

September 16, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW Washington, DC 20554

FCC Docket 02-6

Re: Appeal of Wilson Public Schools (BEN: 140187), for denial of FY 2015 Application 1022840 FRN 2775919 and FY 2014 Application 955486 FRN 2595977

Pursuant to 47 C.F.R. § 54.719(a), Wilson hereby respectfully submits this appeal of decisions by the Universal Service Administrative Company (USAC) to deny FRN 2775919 for Funding Year 2015 and FRN 2595977 for Funding Year 2014.

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The reason for denial on the FCDL:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Signed:

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I. INTRODUCTION

Wilson Public Schools (Wilson or the District) hereby respectfully requests that the Universal Service Administrative Company (USAC) reverse its decision to deny Schools and Libraries (E-rate) universal service funding to Wilson for its FRN 2775919 on 471 Application Number 1022840 for Funding Year 2015 and FRN 2595977 on 471 Application Number 955486 for Funding Year 2014.

USAC denied the District's request for funding because USAC claims that the District did not select the most cost-effective bidder to provide its Internet access services. To the contrary, as the discussion below will explain, the District satisfied all of the program's competitive bidding rules and selected the most cost-effective services, when it considered price and its other evaluation criteria. USAC's use of a bright-line standard is contrary to Commission precedent stating no such bright-line test exists, and, regardless, *Ysleta* is not applicable here.

Upholding the denials of these applications will preclude a fair and open competitive bidding process in which all bids are fairly evaluated, render the competitive bidding process meaningless and will force schools to select a lower-cost bid, even if not the most cost-effective, contrary to program rules – and possibly their own competitive bidding requirements. For practical purposes, this ruling by USAC will make price the only factor that matters in the E-rate competitive bidding process. That will result in many applicants selecting services that do not provide the best value for them or, therefore, the E-rate program. Such an outcome would not serve the E-rate program or statutory goals. Thus, we respectfully ask USAC to reverse its decision and grant funding to the District for the funding request at issue.

II. BACKGROUND

Wilson is a small, rural school district in eastern Oklahoma. The District has approximately 240 students enrolled and the District has no dedicated IT person on staff.¹

For Funding Year 2014 the District filed a 470 requesting bids for Internet access and additional services.² The District also released an Invitation for Competitive Bids (IFCB – also known as a Request for Proposal or RFP) on November 8th, 2013.³ Included in this RFP were requests for Internet access and additional services.

The District received three bids for the Internet access portion of the RFP: Meet Point Networks, AT&T and OneNet.⁴ After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract. For Funding Year 2015, the District continued their Internet access funding requests through Meet Point Networks on FCC 471 # 1022840.⁵

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2595977.⁶ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a

¹ Affidavit of Randy Witham, paragraph 5

² FCC Form 470 #739150001162407 (FY 2014 Form 470).

³ FY 2014 RFP, Exhibit 1.

⁴ See Exhibit 2, Bids Received.

⁵ FCC Form 471 # 1022840, EXHIBIT 3. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

⁶ Exhibit 4, 2013 Notification of Commitment Adjustment Letter, dated 5/20/2016.

proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.”

On April 21st, 2016 USAC issued a Funding Commitment Decision Letter that denied the funding request for Meet Point services on FRN 2775919.⁷ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.”

Wilson received USAC Appeal Denial Letters for 2014 on August 5, 2016 and for 2015 on July 19, 2016.⁸

By this letter, the District appeals USAC’s decision to rescind its funding commitments. Commission rules allow 60 days for the filing of an appeal to the FCC.⁹ Because this appeal is filed within 60 days of USAC’s decision, it is timely filed.

III. BECAUSE WILSON SELECTED THE MOST COST-EFFECTIVE SERVICES, ITS E-RATE APPLICATION FOR FY 2015 AND FY 2014 SHOULD BE RE-INSTATED

Federal Communications Commission rules require applicants to seek competitive bids for all services and equipment eligible for E-rate discounts.¹⁰ Applicants are required to “carefully consider all bids submitted” and to select “the most cost-effective service offering”

⁷ Exhibit 5, Funding Commitment Decision Letter, dated 4/21/2016.

⁸ Administrator’s Decision Letters for 2015 and 2014, Exhibit 6.

⁹ 47 C.F.R. § 54.719(a); 47 C.F.R. § 54.720(b).

¹⁰ See 47 C.F.R. § 54.503(a)-(b) (2014). See also *In the Matter of Fed.-State Joint Bd. on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 at ¶ 480 (1997) (*First Universal Service Order*) (finding that “fiscal responsibility compels us to require that eligible schools and libraries seek competitive bids for all services eligible for [E-rate] discounts.”).

using the price of eligible goods and services as the primary factor.¹¹ Under section 54.511(a) of the Commission’s rules, an applicant “may consider relevant factors other than the pre-discount prices” submitted by providers to determine which service offering is the most cost-effective, so long as price is the primary factor considered.¹²

The Commission’s *Tennessee Order* ruled there is a presumption of cost-effectiveness when the applicant meets all of the requirements of the competitive bidding process and when the applicant pays its share of the costs.¹³ Nevertheless, USAC alleges that the District did not select the most cost-effective service offering. USAC claims that the District’s selection of services that cost more than two times another bid violates the Commission’s directive in *Ysleta*.¹⁴ The “standard” used by USAC, however, has never been adopted by the Commission as a bright-line standard for cost-effectiveness. USAC is also applying this standard to compare bids that provide different service components (that are eligible). Further, the dicta in *Ysleta* is not applicable to this case.

A. Wilson Followed E-rate Competitive Bidding Rules to Select the Most Cost-Effective Bid, Contrary to USAC’s Allegations.

In the *Universal Service Order* establishing the E-rate program, the Commission agreed with the recommendation of the Federal-State Joint Board on Universal Service that schools and libraries should not be required to choose the lowest-priced service but instead should be allowed the “**maximum flexibility**” to take service quality into account and to choose the offering or

¹¹ *Id.* at § 54.511(a) (2012) and (2014). *See also* 47 C.F.R. §§ 54.503(c)(2)(vii), 54.504(a)(1)(xi) (2012) (requiring applicants to certify on FCC Forms 470 and 471 respectively that the most cost-effective bid will be or was selected).

¹² 47 C.F.R. § 54.511(a).

¹³ *Tennessee Order* at ¶¶ 9-12 .

¹⁴ *See* Funding Commitment Decision Letter; *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District El Paso, Texas, et al.*, Order, FCC 03-313, 18 FCC Rcd 26407, n. 138 (2003) (*Ysleta Order*).

offerings that meets their needs ‘most effectively and efficiently.’”¹⁵ In the *Second Report and Order*, the Commission codified the requirement that price must be the primary factor when applicants analyze bids they have received.¹⁶

Significantly, the Commission’s rules have never required schools and libraries to select a provider offering a lower price, even among bids for comparable service.¹⁷ Given that price, as a category, only has to be weighted one point higher than any other category,¹⁸ however, it is quite likely that a vendor could be awarded fewer points in the cost category yet still win the bid based on points earned in the technical (non-price) categories. In fact, the Commission has stated repeatedly that price cannot be the only factor for the obvious reason that “price cannot be properly evaluated without consideration of what is being offered.”¹⁹

The District met the Commission’s requirements by giving more weight to price than to any other factor it used in the selection process and by appropriately awarding points in the other non-cost factors. The bid evaluation sheets used by the District allotted a maximum of 40 points

¹⁵ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, at ¶ 481 (1997) (*Universal Service Order*) (quoting the Joint Board’s recommendation).

¹⁶ *See Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, FCC 03-101 (2003) (codifying 47 C.F.R. §54.511(a)) (*Second Report and Order*); *see also School and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808 (2004) (codifying 47 C.F.R. § 54.504(b)(2)(vii) and 47 C.F.R. § 54.504(c)(1)(xi)) (*Fifth Report and Order*).

¹⁷ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (subsequent history omitted) (*Universal Service Order*). *See also Tennessee Order* at ¶ 9 (“Even among bids for comparable services, however, this does not mean that the lowest bid must be selected.”).

¹⁸ If, for example, a school assigns 10 points to reputation and 10 points to past experience, the school would be required to assign at least 11 points to price. *See Ysleta Order* at ¶ 50, n. 138.

¹⁹ *Tennessee Order* at ¶ 8.

for the price of eligible goods and services – more than twice the amount of the other evaluation factor, Service History (weighted at 20 points), for a total of 60 points.²⁰

In response to the 470/RFP posting Wilson received three bids for its Internet access services. In addition to the price category, as described above, Wilson evaluated bidders based on service history. In the bid evaluation process for FY 2014, OneNet received 39 points, AT&T received 41 points and Meet Point received 58 points.²¹ Meet Point earned the most points for Service History, AT&T received the maximum point award for Price of Eligible Goods and Services.

Factors that are important to the District when considering their Internet access are: Internet uptime, robust security and time management for staff.²² The district does not have a dedicated IT person on staff. Wilson participates in a Technology Cooperative with six other schools – these six schools share **one** technology person over a 336 square mile area. This person, Randy Witham, is responsible for approximately 20 servers, 2,500 workstations, dozens of network devices including printers, switches, routers, etc.²³ It is therefore of primary concern to the district that their Internet access be stable, secure, and that in the event that the service is down, that the ISP staff can troubleshoot issues with minimal assistance from the school.

When evaluating the bids under the Service History criteria, the district considered: quality of service, availability of support, ability to meet the District's scheduling requirements, potential risks with providers and past experience with personnel.²⁴ Most importantly, Wilson considered the quality of service, as the Commission explicitly recognized in *Tennessee*, and

²⁰ Bid Evaluation Sheets, Exhibit 7.

²¹ *Id.*

²² Witham Aff. Para. 6

²³ Witham Aff. Para. 1

²⁴ Witham Aff. Para. 14

selected the bid that met its needs “most effectively and efficiently.”²⁵ To meet the needs of its students and teachers, Wilson required an Internet access service that provided strong network security, as well as quick response times in the event of outages.²⁶ Meet Point received higher scores for Service History because “the District has several years of **very positive** experience with the people that run Meet Point. We knew the people we were dealing with a Meet Point and we had over three years of experience with them for our Internet service previously...The district has had several years of **outstanding service**” (from the people that run Meet Point).²⁷

On the other hand, AT&T received low point awards (1 point) for Service History with the District. The district had previous, direct experience with AT&T as their Internet Service Provider, and that experience was not good. Downtime with AT&T’s service could last days without any communication from AT&T.²⁸ The District would try to find the correct contact at AT&T to assist with their outage – someone who was familiar with their service and network – a process they described as a “nightmare.”²⁹ The “last straw” was when the district contracted with AT&T for a service upgrade, but they were unable to deliver.³⁰ Ultimately, the district found AT&T service (and inability to deliver the actual contracted service) to be unacceptable.³¹

While the district had not had any direct experience with the other bidder, OneNet, both Randy Witham (the part time IT staff shared between seven districts) and the Superintendent of Wilson had heard that OneNet’s service was unreliable, and oversubscribed (meaning a customer

²⁵ *Tennessee Order* at ¶ 9

²⁶ Witham Aff. Para. 6

²⁷ Witham Aff. Para. 15a

²⁸ Witham Aff, Para 8

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

does not get the full amount of bandwidth that they had ordered).³² What is the point of going with a lower-priced provider if you don't get what you are paying for? It was the District's understanding that OneNet customers could order a 100 Mb Internet access service from OneNet, but only actually receive 45 Mb of Internet access.³³ It is for those reasons that OneNet received zero points for Service History.³⁴

In fact, in 2011 OneNet sponsored a K12 conference in Oklahoma: *NetPotential 2011*. During this conference, Von Royal, the Executive Director and CIO of OneNet admitted they had problems with their network, and that they were "not pleased with all the levels of service we were providing, so we undertook a major upgrade."³⁵ The word in the K12 community at that time was that OneNet was oversubscribed (meaning you could order a 100 Mb circuit and only get a portion of that bandwidth) – as Wes Fryer, a respected K12 technology advocate in Oklahoma, writes: "OneNet has historically over-subscribed its k-12 educational network when it comes to bandwidth."³⁶ OneNet themselves admitted that their network had not been performing to the standards they would have liked. This was common knowledge in the Oklahoma K12 community at the time.

It was not beneficial for the district to have a service that required a lot of staff time in the restoration process. Because the district shares an IT director with six other schools, the ability for the ISP to keep them "out of trouble and restore service quickly was paramount in their

³² *Id.*

³³ *Id.*

³⁴ Witham Aff. Para 15a

³⁵ *Moving at the Speed of Creativity* October 21, 2011, <http://www.speedofcreativity.org/2011/10/21/netpotential-2011-conference-notes-netpotential11/>

³⁶ *Moving at the Speed of Creativity*, March 22, 2011, <http://www.speedofcreativity.org/2011/03/22/iphone-tethering-cellular-bandwidth-consumption-the-home-school-internet-access-divide/>

decision making process.”³⁷ When the Internet is down, the teacher cannot skip a lesson or wait until next week when the Internet is working again. Every minute of classroom time is valuable, especially with the demands upon the education system today. Similarly, online testing cannot be pushed to a different time. Therefore, service quality (and the ability to quickly restore that service) is an essential component of the selection process.

As the Commission has noted, “[A] school should have the flexibility to select different levels of services, to the extent such flexibility is consistent with that school’s technology plan and ability to pay for such services.”³⁸ The quality of service and responsiveness when problems arise are especially important to small districts that have few (or no) employees focusing on technology.

Additionally, Meet Point offered services not offered by the other providers, including onsite turn up, onsite visits to restore Internet access, and firewall services.³⁹ As noted by the Commission, applicants cannot properly consider price without consideration of what services are being offered. Here, Meet Point offered additional services that neither OneNet nor AT&T included in their bid proposals.

Wilson evaluated the Internet access providers based on the factors that it determined were important. That evaluation led Wilson to select the service provider with the offer that best met the District’s needs. It choose Meet Point because Meet Point offered additional (needed) services not included with the other bids and because the District felt that Meet Point’s network security features, service history, expertise of the company, quality of service and ability to

³⁷ Witham Aff. Para 15b

³⁸ *Tennessee*, Para. 9

³⁹ Witham Aff. Para. 15 a.

restore service were superior to that of OneNet and AT&T – as allowed and encouraged by Commission orders and E-rate program rules.

B. The Commission Has Never Established a Bright-Line Standard, as USAC Has Done Here.

After adopting the guidance on cost-effectiveness in *Tennessee*, the Commission declined to adopt a bright-line standard for cost-effectiveness. In the *Third Report and Order* – released two weeks after *Ysleta* – and in a paragraph directly referencing *Ysleta*, the Commission specifically noted it did not have a bright-line test for cost-effectiveness: “Nor do our rules expressly establish a bright line test for what is a ‘cost effective’ service.”⁴⁰ The Commission has twice sought comment on whether to adopt specific standards or provide additional guidance with respect to this rule, but has so far declined to do so.⁴¹

⁴⁰ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-323, at ¶ 87 (*Third Report and Order*) (“Our rules do not expressly require, however, that the applicant consider whether a particular package of services are the most cost effective means of meeting its technology needs. Nor do our rules expressly establish a bright line test for what is a “cost effective” service.”); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100, at ¶ 213 (*Modernization NPRM*) (“[W]e seek to refresh the record on whether we should adopt bright line tests, benchmark or formula for determining the most cost-effective means of meeting an applicant’s technology needs.”). It is notable, however, that the Commission appeared to focus on situations where no bid or only one bid was received, and those situations where applicants are selected expensive priority one services simply because they are supported, even though they are unnecessary or when less expensive services would fill the same need. *Modernization NPRM* at ¶¶ 203, 212-213.

⁴¹ In 2003, in the *Third Report and Order*, the Commission sought comment on whether it should codify additional rules to ensure that applicants make informed and reasonable decisions in deciding for which services they will seek discounts. *Third Report and Order*, at ¶ 87. In the *Modernization NPRM*, the FCC sought comment on adopting new standards for cost-effectiveness. *Modernization Order*, at ¶¶ 211-216. In the *First Modernization Order*, the Commission provided limited guidance related to the showing of cost-effectiveness necessary to receive funding for data plans for wireless devices and wireless air cards providing Internet access. The Commission ruled the wireless services are not cost-effective if they are duplicating service already being provided. *Id.* at ¶ 151.

Contrary to these Commission declarations, however, USAC points to *Ysleta* as support for stating that Wilson’s services are not cost-effective, by stating that the services selected through Wilson competitive bidding process were more than two times the other bids received. There are several problems with USAC’s reliance upon *Ysleta* here. First, USAC appears to be establishing a bright-line rule even though the Commission has expressly stated that it has not adopted a bright-line standard.⁴² As USAC is aware, USAC cannot interpret Commission rules.⁴³ As such, USAC should not use a bright-line standard of “two times” other bids to determine that services selected through Wilson’s competitive bidding process are not cost-effective. Further, the Commission directed USAC to review its approach to cost-effectiveness reviews and then share information with applicants and services providers before it attempts to implement a new approach, with oversight performed by the Wireline Competition Bureau and the Office of the Managing Director.⁴⁴ As of the date of filing this appeal, USAC has not provided this information. It is a potential violation of the Administrative Procedure Act and, at a minimum, fundamentally unfair to applicants to adopt a new standard of review and simply not tell the applicants what the standard is before holding them to it. In fact, the Commission should seek comment in a rulemaking process to establish a new standard, as it has done twice before without adopting such a standard. As the Commission has recognized by seeking comment on this issue, the Commission should adopt an order revising its own precedent if it desires to do so.⁴⁵

⁴² See *Third Report and Order* at ¶ 87; *Modernization NPRM* at ¶ 213.

⁴³ 47 C.F.R. § 54. 702(c).

⁴⁴ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Connect America Fund*, WC Docket No. 90-90, Second Report and Order and Order on Reconsideration, FCC 15-189 (2014) at ¶ 126.

⁴⁵ *Third Report and Order*, ¶ 87; *Modernization NPRM*, at ¶¶ 213.

Second, *Ysleta*'s facts are not applicable to this situation. The Commission in *Ysleta* analyzed a competitive bidding process in which the school district received one or no bids.⁴⁶ Wilson sought bids through the FCC Form 470 process for its E-rate eligible services. In *Ysleta*, the Commission stated – in dicta – that a price for a piece of *equipment* two to three times “the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances.”⁴⁷ The example the Commission gave in *Ysleta* was of a piece of equipment. Equipment, unlike services, are commodities and more easily comparable. Even so, people often make purchasing decisions based on the quality of the brand of the product. The same is true – and even more so – for services. Evaluations of competing services are, of course, different than evaluating bids for the same piece of equipment. When evaluating a service, Applicants will have to consider the reliability of the service, the ability of the service provider to restore service in downtimes (including the technical expertise of the staff), and if the service provides the elements the Applicant would be purchasing (for example, are we really getting the amount of Internet access we have ordered?). Accordingly, USAC should not use *Ysleta* to support its analysis when comparing services, especially when the bids are different and include different, eligible services – such as on-site technical support and firewall services. As described above, Wilson compared the quality of services of Meet Point with the services provided by the other carriers and reached the conclusion that Meet Point's services were superior.

Third, the *Ysleta* decision does not establish a standard that applicants are precluded from selecting bids that are twice as expensive as “the lowest bid.” The standard in *Ysleta* is “two or three times” the prices that are ***commercially available*** for those services,⁴⁸ which begs the

⁴⁶ *Ysleta* at ¶ 54.

⁴⁷ *Id.*

⁴⁸ *Id.*

question: *What would have been the pricing of the lower bidders had they included the additional, **eligible** services that Meet Point provides, or if those lower-priced bidders had the level of expertise of the Meet Point staff?* Of course, the answer to that question is “unknown” which means comparing these two bids using the *Ysleta* standard is a moot exercise and is not a fair evaluation of what is and is not cost effective.

Is Meet Point’s bid “too expensive” for USAC to fund? We disagree with the conclusion that it is. The only way to determine if the bid is “too expensive” is to compare it to other commercially available services. USAC did not compare Meet Point’s bid, which provided for different levels of support (cell phone numbers for the principals, on-site support and turn up) and different services (firewall services) than the other bidders, to other similar, commercially available offerings. USAC, in trying to make that determination could have surveyed local providers to determine what the commercially reasonable local price would be for a similar set of services (both scope and quality), or USAC could have used existing information they have gathered via 471 submissions about similar Internet access services provided in Oklahoma. We believe the price that Meet Point charges, given the level of support, the technical expertise of their staff and additional services offered, is commercially reasonable.

Finally, the Commission in *Ysleta* was also describing a situation in which there was only one bidder, and therefore no competitive bidding, this precluding the applicant from any comparison of services or price.⁴⁹ In such a case, the applicant is at the mercy of the service provider’s pricing and does not have a choice as to providers. Wilson was not held hostage to one provider. It received multiple bids and made a reasoned judgment regarding the services and comparative costs that met its needs through its competitive bidding process.

⁴⁹ *Id.*

The reason that Wilson selected a more expensive service provider – even though funding for schools is tight in Oklahoma – is that a properly functioning Internet service is critical to the success of its students. Internet access services are as important to Wilson as its other utilities, including heat and water. With the way the curriculum is structured, the schools simply cannot function if the Internet is not accessible. It is not cost-effective for either the District or the E-rate program to pay for an Internet service – no matter how inexpensive it is – that does not further the goal of providing students with access to greater educational opportunities. Further, the District believed it was cost-effective for its needs as a small, rural district, to pay extra for a service that included enhanced levels of support and protection (*i.e.*, the firewall).⁵⁰ Wilson chose the service provider that was most cost-effective for its needs.

C. USAC’s Decision in This Case Undermines Program Policies and Goals

Application of USAC’s decision on a consistent basis will not further E-rate program policies and goals. First, it will force applicants in some cases to select a provider that does not offer the most cost-effective services for the applicants’ needs – and likely could cause applicants to perform a disingenuous bid review process. Second, this decision could require applicants to weight price more heavily in the bid evaluation process – which is not required by Commission rules – in order to try to meet USAC’s newly created standard. Finally, the District will suffer significant harm if its funding is denied.

First, USAC’s attempt to second-guess the work of the evaluation panel will force applicants to select a lower-priced offering, regardless of quality or other relevant criteria, so they will not be subject to second-guessing months or years after the conclusion of the competitive bidding process. To prevent this potential denial of funding, applicants will be

⁵⁰ Witham Aff. Para. 15b

forced to select a lower-price bidder, notwithstanding their review of the vendors' bids using the other factors important to the individual applicants.

Using such a standard will lead to a disingenuous bidding process. Applicants are required to consider all valid bids received.⁵¹ Is it really USAC's position that an applicant must evaluate a bid that is two times more expensive than the other bids, but that bid (under USAC's interpretation of *Ysleta*) must always lose? Are applicants supposed to manipulate the evaluation process so that the more expensive vendor receives fewer points, notwithstanding the reviewer's actual analysis of the bid responses? A fair and open competitive bidding process cannot have pre-determined outcomes. Such a result could cause applicants to violate their own competitive bidding requirements. Further, what is the point of allowing the applicant the "maximum flexibility" to consider service history, quality of service, or other reasonable factors of a bid that USAC has pre-determined must always lose? An applicant that follows all of its own state and local procurement rules should not be prohibited from selecting a bid that meets its needs, but for a non-codified standard that USAC has decided to impose. If it is truly the intention that bids that are twice as much as the lowest bid are, on face, not cost-effective and should never win, then the program should explicitly allow applicants to disqualify those bids before the bid evaluation process begins, even if no disqualification factors are listed by the applicant in the FCC Form 470 and/or RFP. As it stands right now, applicants are required by FCC rules to evaluate all bids received and applicants do not have the authority to disqualify bids that are twice as expensive as the lowest bid received.

Second, USAC's process to determine cost-effectiveness is flawed. USAC's current interpretation of *Ysleta* places the applicant in an untenable position - the applicant is

⁵¹ 47 C.F.R. § 54.511(a).

required to evaluate all bids, required to use specific bid criteria weighted in a specific manner and conduct an open and fair competitive bidding process. Even when an applicant complies with all of these rules and follows all of the approved processes, if a bid is awarded the most points and determined to be the best fit for the applicant's needs, but is twice as much as a lower bid, what can an applicant do? The applicant can't simply throw out the bid or disqualify it – not only would the winning bidder have legal recourse against the applicant should the applicant throw out that bid, but the applicant could very well be in violation of local or state competitive bidding rules for not proceeding with the bid that was awarded the most points. Under USAC's interpretation of Ysleta, that bid should never win, but using the FCC's competitive bidding process and rules it did. What is the point of following all of the competitive bidding rules if it produces an outcome that USAC won't fund?

There are no allegations of competitive bidding rule violations by the District. USAC's concerns about cost-effectiveness seem better directed at the bid evaluation process that produced an outcome that USAC deems too expensive (perhaps the Commission should set more stringent procedures for weighting Price of Eligible Goods and Services at 50% of the total available points) than directing those concerns at the District. How can a winning bid be determined to be "too expensive" by USAC if the applicant properly evaluated price (and correctly awarded points) according to the Commission's rules and procedures?

Third, USAC's denial suggests the price differential should have been weighted more heavily than the District weighted it. To reach such a result, USAC is effectively overruling

Commission precedent that only requires that pricing be given at least one more point than any other individual category.⁵²

At a minimum, USAC's decision here substitutes its judgment on the merits of the competitive bidding process for that of the District. When the Commission established the rules for the E-rate program in 1997, it stressed that a fundamental principle would be the determination of local needs by local decision-makers regarding what services would work best for that school or school district.⁵³ It did not try to impose a top-down regime where the federal government decided the merits of each service choice of a particular school or district. The idea was that the thousands of schools and districts would know their own technology needs better than the federal government. The Commission has not wavered from this principle. If this decision stands, USAC would be free to evaluate the merits of the respective bidders without the knowledge that applicants have regarding service quality, service history, personnel qualifications, and the value they are receiving for the services purchased. There is simply no way USAC can make a proper evaluation of the bids without that information. In this case, while Wilson has attempted to provide that information in responses to USAC's reviews, it appears that USAC has discounted the information or failed to take it into consideration,

⁵² As described above, USAC appears to be going beyond Commission precedent to establish a new standard without basis in Commission precedent. USAC, however, is not authorized by the Commission to interpret Commission rules. Under the Commission's rules, USAC "may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress." 47 C.F.R. § 54.702(c). To the extent the Commission's rules are unclear, USAC has no authority to act without first seeking guidance from the Commission. *See id.* Moreover, the District proceeded entirely in accordance with Commission precedent when it evaluated relevant factors other than price. As a result, USAC has acted outside its authority by finding that the District, despite having strictly followed the Commission's rules and precedent, failed to adhere to the Commission's requirements. Furthermore, if the Commission decides that a revision to the rule would advance program goals, such an interpretation should be provided by the Commission before it is applied, and following a notice-and-comment rulemaking.

⁵³ *Universal Service Order* at ¶¶ 481, 574.

focusing exclusively on the price of the services.

D. If USAC Still Finds the Services Were Not Cost-Effective, USAC Should Commit Funding for Wilson at a Level That Is Cost-Effective

USAC should, at a minimum, approve part of Wilson's funding request. There is precedent for such an approach. In the *Fifth Report and Order*, the Commission provided direction for USAC for recovery of funding when it was improperly disbursed.⁵⁴ Cost-effectiveness is not directly addressed in that order.⁵⁵ However, some of the other illustrations provide guidance for the cost-effectiveness rule. If a carrier charges the beneficiary "an inflated price," the *Fifth Report and Order* directs that USAC should recover amounts disbursed in excess of what similar situated customers are normally charged in the marketplace."⁵⁶ Similarly, here, if the standard is that cost two times other pricing is not cost-effective, then, by implication, a price 1.9 times the cost is cost-effective. As such, USAC could calculate the cost of the eligible service at 1.9 times that of a lower price and fund that amount for Wilson. In addition, the Commission has ruled that, when two providers are providing the same service and one is

⁵⁴ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, FCC 04-190 (2004) at ¶¶ 15-44 (*Fifth Report and Order*).

⁵⁵ *Id.* The Commission states that full recovery is appropriate for competitive bidding violations. However, this is not a competitive bidding violation. USAC found no issues with the competitive bidding process; it disagreed with the outcome. There are no allegations that the process was not fair and open, price was not the primary factor or that bids were not solicited for at least four weeks.

⁵⁶ *Fifth Report and Order* at ¶ 30. The Commission also discusses situations in which the beneficiary has requested a "clearly excessive" level of support. That situation is not applicable here, as the examples are those when the beneficiary is requesting a number of lines or equipment that is beyond what is necessary. There is no dispute here that the District requires this level of capacity for broadband services, nor are there any allegations that these services are duplicative or redundant.

less expensive, the applicant shall be reimbursed for its Internet connection at the lower rate.⁵⁷

Following that logic, USAC could reimburse the applicant at the rates offered by a different provider. Such an approach would minimize the harm caused by USAC's delay in determining it had an issue with Wilson's selection of Meet Point as its service provider.

* * *

For the reasons stated above, the District respectfully requests that USAC reconsider its initial decision and grant its funding requests listed above. As the foregoing has demonstrated, the District met the Commission requirements for competitive bidding, and selected the most cost-effective bid available to meet its needs.

⁵⁷ *Schools and Libraries Universal Service Support Mechanism*, Requests for Review by Macomb Intermediate School District, CC Docket No. 02-6, Order, FCC 07-64 at ¶ 9 (2007). This rule is applicable when the applicant could have purchased all of the services from one provider at the lower rate but chose not to, and when the services provided do not exceed the total capacity required.

List of Exhibits

Exhibit 1: Invitation for Competitive Bid (AKA: RFP)

Exhibit 2: Bids Received

Exhibit 3: 471 Application

Exhibit 4: 2014 Commitment Adjustment Letter

Exhibit 5: 2015 FCDL

Exhibit 6: ADL's

Exhibit 7: Bid Evaluation Sheets

Exhibit 1: Invitation for Competitive Bid (AKA: RFP)

**IFCB Posted**

08 November 2013

Wilson ISD 7**District Address**

8867 Chestnut Rd

Henryetta, OK 74437

IFCB ID: 739150001162407**IFCB Deadline:**

06 December 2013

Questions Due By:

29 November 2013

IFCB Requirements

- All Questions and Bids must be submitted using the on-line IFCB system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Bidder is expected to provide the lowest corresponding price per E-rate rules. See <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx> for details.
- Contracts must not prohibit SPIN changes.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.
- All contracts awarded will be contingent upon E-rate funding and final board approval. The applicant may choose to do all or part of the project upon funding notification.

- All contracts awarded under this IFCB bidding process may be voluntarily renewed by the applicant, upon written notice to the provider, for five consecutive one year terms.
- WEB HOSTING VENDORS ARE REQUIRED TO FILL OUT THE ATTACHED COVER SHEET FOR WEB HOSTING BIDS. WEB HOSTING BIDS SUBMITTED WITHOUT THAT COVER PAGE WILL BE DISQUALIFIED. VENDORS NOT SUBMITTING WEB HOSTING BIDS ARE NOT REQUIRED TO USE THE COVER PAGE.

There is an additional document associated with this IFCB. Please click the buttons to download the document.

[WilsonWHCCoverPage.docx](#) 

Services and Equipment Requested

Local phone service - Approx 8 lines

Long distance service - Approx 8 lines

Internet Access - Minimum 30Mb bandwidth; the terminating address for this circuit is 8867 Chestnut Road, Henryetta, OK 74437; (918) 652.

Web Hosting - For 3 sites. There is a Web Hosting Cover Page associated with this IFCB that is available for download. WEB HOSTING BIDS SUBMITTED WITHOUT THE ATTACHED COVER PAGE WILL BE DISQUALIFIED.

BASIC MAINTENANCE OF INTERNAL CONNECTIONS: MAINTENANCE BIDS LISTING ONLY AN HOURLY RATE AND NOT A MONTHLY OR ANNUAL TOTAL WILL BE DISQUALIFIED. VENDORS QUOTING AN HOURLY RATE ARE REQUIRED TO ALSO A) CONFIRM THAT YOU HAVE THE ABILITY/EXPERTISE TO MAINTAIN ALL OF THE EQUIPMENT LISTED AND B) PROPOSE A NUMBER OF HOURS AT A PARTICULAR RATE MONTHLY TO PROPERLY MAINTAIN THE ENTIRE LIST OF EQUIPMENT. BIDS THAT CONTAIN ONLY HOURLY RATES, WITHOUT CONFIRMATION THAT THE COMPANY CAN SERVICE THE LIST OF EQUIPMENT, OR WITHOUT A MONTHLY TOTAL, WILL BE DISQUALIFIED.

Wireless Access Point maintenance - 10 x Aruba Instant IAP-105
Switch maintenance - 3 x Extreme Summit 200-48
Firewall maintenance - 1 x Palo Alto PA500

Upload Bid



Questions Received with District Answers:

Submit a Question

No Data

Home About Us Services e-Rate Info Testimonials Contact



Sign up for our new sletter :

Your Email

Submit

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Powered by: Phillips360

P.O. Box 701713
Tulsa, OK 74170-1713
Voice: (918) 445-0048
Fax: (918) 445-0049

Exhibit 2: Bids Received

E-Rate Proposal for Managed Internet Service

November 15, 2013

To: **Wilson Indep School District 7**
8867 Chestnut Rd.,
Henryetta, OK 74437

From: JAN LUPTON-LEIBOLD, AT&T Sales/Marketing Program Support
405 N BROADWAY AVE, RM 1029, OKLAHOMA CITY, OK 73102
Office: (405) 319-6007
Email: jl840a@att.com

Introduction

In response to **Wilson Indep School District 7** Form 470 bid #739150001162407, I'm providing information on an AT&T solution that may meet your requirements and qualify for E-Rate funding. The solution includes the following components:

- Managed Internet Service (MIS) is an Internet access service that combines a high-speed, dedicated connection with consolidated application management. It lets you reliably access information resources and communicate with Internet users worldwide. MIS includes proactive, 24x7 network monitoring, enhanced network security features, and maintenance of the communications link between your locations and the AT&T network. AT&T's Service Provider Identification Number (SPIN) for Managed Internet Service (MIS) is 143001192.

Features and Benefits

The solution gives you the following:

- Network Address Translation (NAT)—NAT (standard with MIS with Managed Router

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Proposal Validity Period—The information and pricing contained in this proposal is valid until 1) the parties enter into a fully executed binding contract, 2) AT&T timely withdraws the proposal, or 3) the E-Rate filing window closes for the then-current E-Rate Funding Year, whichever first occurs. **Terms and Conditions**—Unless otherwise stated herein, this proposal is conditioned upon negotiation of mutually acceptable terms and conditions. **Proposal Pricing**—Pricing proposed herein is based upon the specific product/service mix and locations outlined in this proposal, and is subject to AT&T's standard terms and conditions for those products and services and the AT&T E-Rate Rider unless otherwise stated herein. Any changes or variations in the standard terms and conditions, the products/services, length of term, locations, and/or design described herein may result in different pricing. Prices quoted do not include applicable taxes, surcharges, or fees. In accordance with the tariffs or other applicable service agreement terms, Customer is responsible for payment of such charges. **Disclaimer**—For purposes of this Proposal, the identification of certain services as "eligible" or "non-eligible" for Universal Service ("E-Rate") funding is not dispositive, nor does it suggest that this or any other services in this Proposal will be deemed eligible for such funding. Any conclusions regarding the eligibility of services for E-Rate funding must be based on several factors, many of which have yet to be determined relative to the proposed services and equipment described herein. Such factors will include, without limitation, the ultimate design configuration of the network, the specific products and services provisioned to operate the network, and the type of customer, and whether the services are used for eligible educational purposes at eligible locations. In its proposal, AT&T will take guidance from the "Eligible Services List" and the specific sections on product and service eligibility on the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") website www.usac.org/sl. This site provides a current listing of eligible products and services, as well as conditionally eligible and ineligible services. This guidance notwithstanding, the final determination of eligibility will be made by the SLD after a review of the customer's E-Rate application for this proposal. If AT&T is awarded the bid for this project, AT&T will provide assistance on the E-Rate application solely on matters relative to the functionality of the services and products which comprise the network. Nevertheless, the responsibility for the E-Rate application is with the customer. AT&T is not responsible for the outcome of the SLD's decision on these matters. **Broadband Internet Access**—For information about AT&T's broadband Internet access services, please visit www.att.com/broadbandinfo.

Quote #xx



E-Rate Proposal for Managed Internet Service

November 15, 2013



service) protects your local private network addresses by hiding them from open Internet addressing. This approach has become an increasingly important defense against network reconnaissance.

- Packet Filtering—The packet filtering feature (standard only with MIS with Managed Router service) helps to prevent unauthorized access to your internal network and controls authorized access to Internet sites. Our engineers work with you to define a customized filtering plan and oversee the implementation and maintenance of packet filtering tables in your router.
- Redundancy—We provide service availability of 99.999% to help ensure that your Internet traffic gets through. The design and proactive monitoring of our nationwide backbone network make it highly reliable. Because the network architecture features redundant routers, switches, and power supplies, we can reroute traffic around outages and restore service almost instantaneously.

**Take the
pledge to
stop texting
while driving**

[Click to learn
more.](#)

Advantages of AT&T

Working with AT&T gives you the following advantages:

- Agility—With our integrated, agile networking platform, you can quickly add or change applications as your business needs dictate.
- Experience and Expertise—With more than 100 years of experience, AT&T draws on its expertise to champion innovation and develop comprehensive, reliable solutions.
- Extensive Reach—We offer a broad range of wireless, voice, and data services throughout the U.S. We also serve thousands of enterprise and multinational business corporations on six continents. In fact, we offer local support in many communities around the world.
- Control—AT&T gives you easy access to timely performance information and online tools so you can be in control of your network.
- E-Rate Experience—AT&T has participated in the E-Rate program for schools and libraries since the program's inception in 1998, and we're one of the program's largest service providers. We're proud to bring our technology, expertise, E-Rate knowledge, and education experience to your school or library, helping expand affordable access to advanced telecommunication services. For more information about AT&T and its participation in the E-Rate program, go to www.att.com/erate and download the E-Rate brochure.



E-Rate Proposal for Managed Internet Service

November 15, 2013



Solution Pricing – 36 Month Term – Contract Required

	<u>Monthly</u>	<u>Install</u>
50Meg eaMIS Plus	\$1,305.20	\$00.00
100Meg eaMIS Plus	\$1,806.40	\$00.00

This quote assumes that adequate conduit/entrance into your facility exists to permit fiber installation into your equipment room.

If you wish to proceed with this offering please contact me, so I can conduct a check of AT&T's network fiber placement that would serve your location. This check will determine if any special construction charges would apply. This occurs less than 5% of the time; however, it does take 3-4 weeks to get confirmation.

This will be a tele-installation. We will drop ship a router that requires connectivity to the power cable, the cables from the router and plugged into associated LAN port on your switch. A telephone line is required for remote access to the router. If you prefer that AT&T install the router a \$750 charge would apply.





Meet Point Networks, LLC

P.O. Box 339
Bixby, OK 74008
www.meetpointnetworks.com

11/26/2013

Wilson ISD 7
8867 Chestnut Road
Henryetta, OK 74437

To whom it may concern,

In the following pages you will find a proposal for services prepared by Meet Point Networks, LLC for Wilson ISD 7. The proposal is in response to the district's posted ERate form 470. The proposal is for a Internet Access circuit.

Page 1 : Proposal of Services
Pages 2 - 4 : Pre-signed Service Agreement

We hope that you will take the time to consider our proposal. If the district finds the quote acceptable please sign and return (fax or email).

Please do not hesitate to contact us with any and all questions.

Mike Pennell
President
mpennell@meetpointnetworks.com
Phone : 918-633-6896
Fax : 918-512-4400



Meet Point Networks, LLC

P.O. Box 339

Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

SPIN# 143035519

Customer Service Proposal

Proposal Date : August 25, 2013

Proposal # 93

Customer Information

Wilson ISD 7

8867 Chestnut Road
Henryetta OK 74437

Meet Point Networks Rep

Bryan McGuire (918)231-8063

Summary of Proposed Services : 30, 50, 70, 100 Mb Internet Access Circuit Quotes- Including Internet maintenance provided by NewNet 66.

***Any estimates, in this proposal, based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.*

Proposed Services and Terms

***Taxes and Fees not Included*

	Service Description	Type	Qty	Term	Monthly	Annual	One Time
1	100 Mb Internet Bandwidth	New	1	60	\$6,192.50	\$74,310.00	
2	30 Mb Internet Bandwidth	New	1	60	\$5,187.50	\$62,250.00	
3	50 Mb Internet Bandwidth	New	1	60	\$5,697.50	\$68,370.00	
4	70 Mb Internet Bandwidth	New	1	60	\$5,897.50	\$70,770.00	

Internet Maintenance is provided by NewNet 66 and is included in the pricing above.

Internet Maintenance includes:

24 x 7 Internet Access Troubleshooting & Repair

On site visits to restore Internet Access, if necessary

Unlimited Email / 5Gb Web Hosting

For more information please visit NewNet 66's description of services overview at www.newnet66.org



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

Meet Point Networks Service Agreement

11/26/2013

SPIN# 143035519

Wilson ISD 7

8867 Chestnut Road
Henryetta OK 74437

Proposed Services : Please select desired service by checking a box below.

Service Description	Type	Qty	Term	Monthly	Annual	One Time
<input type="checkbox"/> 30 Mb Internet Bandwidth	New	1	60	\$5,187.50	\$62,250.00	
<input type="checkbox"/> 50 Mb Internet Bandwidth	New	1	60	\$5,697.50	\$68,370.00	
<input type="checkbox"/> 70 Mb Internet Bandwidth	New	1	60	\$5,897.50	\$70,770.00	
<input type="checkbox"/> 100 Mb Internet Bandwidth	New	1	60	\$6,192.50	\$74,310.00	
<input type="checkbox"/>						

By signing this Service Agreement, you represent that you are the authorized Customer representative and the above information is true and correct and you accept this Agreement. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

Meet Point Networks may withdraw the proposal at any time prior to Customer signature. If within (30) days after Customer signature, Meet Point Networks determines that customer location is not serviceable under Meet Point Networks normal installation guidelines, Meet Point Networks may withdraw this Service Agreement without liability.

Customer Authorized Signature

Signature

Print

Title or Position

Date

Meet Point Networks Authorized Signature

Mike Pennell

Signature

Mike Pennell

Print

President

Title or Position

11/26/2013

Date



Meet Point Networks, LLC

P.O. Box 339

Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

Terms and Conditions

OUSF - Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

E-Rate Customers - During the term of this contract, the applicant may choose any of the above service levels and upgrade to those levels upon written notice to Meet Point Networks. Meet Point Networks will determine the turn up time after the customer initiates the process.

The pricing is based upon a 60 month term. This contract represents a 12 month term with the option to renew four consecutive 12 month terms.

1. Tariffs/Service Guide If Customer is purchasing any Services that are regulated by the FCC or any state regulatory body ("Regulated Services"), then Customer's use of such Regulated Services is subject to the regulations of the FCC and the regulatory body of the state in which the Customer location receiving these Regulated Services is located (which regulations are subject to change), as well as the rates, terms, and conditions contained in tariffs on file with state and federal regulatory authorities. Termination fees include, but are not limited to, nonrecurring charges, charges paid to third parties on behalf of Customer, and the monthly recurring charges for the balance of the Term.

2. Service Start Date and Term This Agreement shall be effective upon execution by the parties. The "Initial Term" shall begin upon installation of Service and shall continue for the applicable Term commitment set forth on the Cover Page; provided that if Customer delays installation or is not ready to receive Services on the agreed-upon installation date, Meet Point Networks may begin billing for Services on the date Services would have been installed. Meet Point Networks shall use reasonable efforts to make the Services available by the requested service date. Meet Point Networks shall not be liable for damages resulting from delays in meeting service dates due to construction delays or reasons beyond its control. If Customer delays installation for a period of three (3) months or longer after the parties' execution of this Agreement, Meet Point Networks reserves the right to terminate this Agreement immediately at any time thereafter and Customer shall be responsible for the full amount of construction costs and any other related costs incurred by Meet Point Networks as of the date of termination. AFTER THE INITIAL TERM, THIS AGREEMENT SHALL AUTOMATICALLY RENEW FOR ONE (1) YEAR TERMS (EACH AN "EXTENDED TERM") UNLESS A PARTY GIVES THE OTHER PARTY WRITTEN TERMINATION NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OR THEN CURRENT EXTENDED TERM. "Term" shall mean the Initial Term and Extended Term (s), if any. Meet Point Networks reserves the right to increase rates for all Services by no more than ten percent (10%) during any Extended Term by providing Customer with at least sixty (60) days written notice of such rate increase. For the avoidance of doubt, promotional rates and promotional discounts provided to Customer will expire at the end of the Initial Term or earlier as set forth in the promotion language. Customer's payment for Service after notice of a rate increase will be deemed to be Customer's acceptance of the new rate.

3. Termination Customer may terminate any Service before the end of the Term selected by Customer on the Cover Page; provided, however, if Customer terminates any such Service before the end of the Term (except for breach by Meet Point Networks), unless otherwise expressly stated in the General Terms, Customer will be obligated to pay a termination fee equal to the nonrecurring charges (if unpaid) and 100% of the monthly recurring charges for the terminated Service(s) multiplied by the number of full months remaining in the Term. This provision survives termination of the Agreement. If Meet Point Networks is delivering Services via wireless network facilities and there is signal interference with any such Service(s), Meet Point Networks may terminate this Agreement without liability if Meet Point Networks cannot resolve the interference by using commercially reasonable efforts.

4. Payment Customer shall pay for all monthly Service charges, plus one- time activation and set up, and/or construction charges. Unless stated otherwise herein, monthly charges for Services shall begin upon installation of Service, and installation charges, if any, shall be due upon completion of installation. Any amount not received by the due date shown on the applicable invoice will be subject to interest or a late charge no greater than the maximum rate allowed by law. Customer acknowledges and agrees that if Customer fails to pay any amounts when due and fails to cure



Meet Point Networks, LLC

P.O. Box 339

Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

such non-payment upon receipt of written notice of non-payment from Meet Point Networks, Customer will be deemed to have terminated this Agreement and will be obligated to pay the termination fee described in Section 5, above. If applicable to the Service, Customer shall pay sales, use, gross receipts, and excise taxes, access fees and all other fees, universal service fund assessments, bypass or other local, state and Federal taxes or charges, and deposits, imposed on the use of the Services. Taxes will be separately stated on Customer's invoice. No interest will be paid on deposits unless required by law.

5. Service and Installation Meet Point Networks shall provide Customer with the Services identified on the Cover Page and may provide related facilities and equipment, the ownership of which shall be retained by Meet Point Networks (the "Meet Point Networks Equipment"), or for certain Services, Customer, may purchase equipment from Meet Point Networks ("Customer Purchased Equipment"). Customer is responsible for damage to any facilities or equipment installed or provided by Meet Point Networks (the "Meet Point Networks Equipment"). Customer may use the Services for any lawful purpose, provided that such purpose (a) does not interfere or impair the Meet Point Networks network or Meet Point Networks Equipment and (b) complies with the AUP. Customer shall use the Meet Point Networks Equipment only for the purpose of receiving the Services. Customer shall use Customer Purchased Equipment in accordance with the terms of the related equipment purchase agreement. Unless provided otherwise herein, Meet Point Networks shall use commercially reasonable efforts to maintain the Services in accordance with applicable performance standards.

Contract is subject to availability of facilities and construction charges.

6. General Terms The General Terms are hereby incorporated into this Agreement by reference. Meet Point Networks, in its sole discretion, may modify, supplement or remove any of the General Terms from time to time, without additional notice to Customer, and any such changes will be effective upon Meet Point Networks publishing such changes on the Meet Point Networks web site. BY EXECUTING THIS AGREEMENT AND/OR USING OR PAYING FOR THE SERVICES, CUSTOMER ACKNOWLEDGES THAT IT HAS READ, UNDERSTOOD, AND AGREED TO BE BOUND BY THE GENERAL TERMS.

7. LIMITATION OF LIABILITY MEET POINT NETWORKS AND/OR ITS AGENTS SHALL NOT BE LIABLE FOR DAMAGES FOR FAILURE TO FURNISH OR INTERRUPTION OF ANY SERVICES, NOR SHALL MEET POINT NETWORKS OR ITS AGENTS BE RESPONSIBLE FOR FAILURE OR ERRORS IN SIGNAL TRANSMISSION, LOST DATA, FILES OR SOFTWARE DAMAGE REGARDLESS OF THE CAUSE. MEET POINT NETWORKS SHALL NOT BE LIABLE FOR DAMAGE TO PROPERTY OR FOR INJURY TO ANY PERSON ARISING FROM THE INSTALLATION OR REMOVAL OF EQUIPMENT UNLESS CAUSED BY THE NEGLIGENCE OF MEET POINT NETWORKS. UNDER NO CIRCUMSTANCES WILL MEET POINT NETWORKS BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ARISING FROM THIS AGREEMENT OR ITS PROVISION OF THE SERVICES.

8. WARRANTIES EXCEPT AS PROVIDED HEREIN, THERE ARE NO OTHER AGREEMENTS, WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE SERVICES. SERVICES PROVIDED ARE A BEST EFFORTS SERVICE AND MEET POINT NETWORKS DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT OR SOFTWARE SHALL BE ERROR-FREE OR WITHOUT INTERRUPTION. INTERNET SPEEDS WILL VARY. MEET POINT NETWORKS MAKES NO WARRANTY AS TO TRANSMISSION OR UPSTREAM OR DOWNSTREAM SPEEDS OF THE NETWORK.

9. Public Performance. If Customer engages in a public performance of any copyrighted material contained in any of the Services, Customer, and not Meet Point Networks, shall be responsible for obtaining any public performing licenses at Customer's expense.

E-Rate Funding Year 2014



SPIN 143015254

FCC RN 001199307

MTM – INTERNET ACCESS

(Month to Month service -- no contract needed)

WILSON INDEP SCHOOL DISTRICT 7

Proposal Contingent upon E-Rate Funding

Internet Access Service	Monthly\$	Annual\$
30mb	\$1,244	\$14,928
50mb	\$1,296	\$15,552
100mb	\$2,300	\$27,600

OneNet Internet service provides the connection from your location to our hub site. As part of our standard package OneNet Internet service customers receive: unlimited email services, web hosting, Quality of Service, DNS, unlimited video conferencing and related technical support. *There is no reduction in cost if customer does not utilize any component of the standard package.*

Customer Provided Router

- 30–100mb will require router with 2 Fast Ethernet Interfaces; one interface for internet connection and one for LAN

Options

- OneNet Provided Router (ERate Priority One On-Premise Equipment)

\$89 per month for Juniper SRX220. The router shall remain the property of OneNet, therefore OneNet reserves the right to use for other customers. Maintenance of router will be OneNet's responsibility. Customer's local network will not be dependent on the OneNet provided router. (Not Oklahoma Universal Service Fund eligible, customer will pay their percentage after ERate discount.)

- Content Filtering pricing is available upon request. (Not ERate eligible service)

Proposed By:

Accepted By:

A handwritten signature in black ink, appearing to read "Ami Layman".

Ami Layman

Assistant Director of Administration
OneNet
PO Box 108800
Oklahoma City, OK 73101-8800
(888) 566-3638

Authorized Signature

Date

**If you select OneNet as your provider, please sign and date this with your allowable contract date based on your 470 posting. THIS IS FOR YOUR ERATE RECORDS and Item 21 Attachment.
Please contact OneNet when you are ready to order services.**

Exhibit 3: 471 Application

FCC Form 471

Approval by OMB
3060-0806**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference)		Form 471 Application #:
Wilson Y17		955486 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications		
1 Name of Billed Entity WILSON INDEP SCHOOL DISTRICT 7		
2 Funding Year 2014		
3a Entity Number 140187		
3b FCC Registration Number 0012680534		
4a Street Address, P.O. Box, or Route Number 8867 CHESTNUT ROAD		
City HENRYETTA State OK Zip Code 74437-		
4b Telephone Number (918) 652-3374		
4c Fax Number (918) 652-8140		
5a Type of Application (check only one) <input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries) <input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply) <input type="checkbox"/> All public schools/districts in the state <input type="checkbox"/> All non-public schools in the state <input type="checkbox"/> All libraries in the state		
5b Recipient(s) of Services: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter <input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency		
Entity Number: 140187		Applicant's Form Identifier: Wilson Y17
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048
Block 1: Billed Entity Address and Identifications (continued)		
6a Contact Person's Name Chris Webber or Karla Hall		
If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.		
6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO BOX 701713 City TULSA State OK Zip Code 74170-1713		
Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.		
<input type="checkbox"/> 6c Telephone Number (918) 445 - 0048 <input type="checkbox"/> 6d Fax Number (918) 445 - 0049 <input checked="" type="checkbox"/> 6e E-Mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com		
6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address		
If a consultant is assisting you with your application process, please complete Item 6g below:		
6g Consultant Name Chris Webber Name of Consultant's Employer CRW Consulting Consultant's Street Address CRW Consulting PO Box 701713 City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800		
Blocks 2 and 3 [Reserved]		

Entity Number: 140187						Applicant's Form Identifier: Wilson Y17								
Contact Person: Chris Webber or Karla Hall						Contact Phone Number: (918) 445-0048								
Block 4: Discount Calculation Worksheet												Worksheet - 1650451		
Page 1 of 1														
<p>The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.</p> <p><input type="checkbox"/> Check here if this worksheet contains all eligible entities in the school district or library system.</p>														
9a List entities and calculate discount(s):												(For Administrator's Use)		
School District or Library System Name:												School District or Library System Entity Number:		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice Center, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
WILSON ELEMENTARY SCHOOL	84900 40 32880 01813	R	141	120	85.106%	90	N	N	N	12690	P			
BUS BARN	16025286	R	0	0	0.000%	90	N	N	N	0				
WILSON HIGH SCHOOL	84901 40 32880 1814	R	67	51	76.119%	90	N	N	N	6030				
9b Shared Services														
SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.			208							18720				90%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 140187		Applicant's Form Identifier: Wilson Y17																												
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048																												
Block 5: Discount Funding Request(s)		Block 5, page 1 of 4																												
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2595966 (to be assigned by administrator)																												
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13 SPIN – Service Provider Identification Number 143008823																														
14 Service Provider Name SBC Long Distance, LLC.																														
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16a Billing Account Number (e.g., billed telephone number)																														
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21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.																														
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Entity Number: 140187	Applicant's Form Identifier: Wilson Y17
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

☐ Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

☒ Check this box if this request is for services or equipment that do **not** provide broadband or connectivity. For instance, check the box if this funding request is for internal connections, basic maintenance, or requests for services like e-mail or phone service.

a Which technology(ies) and speed(s) are being provided in this Funding Request? Please list the number of lines and average download speed for the lines included in this funding request. If there are multiple download speeds for the lines within one type of broadband connection, this form provides two additional lines per broadband connection category. If you need additional space, please make copies of this page and number the completed pages to assure that they are all processed correctly. A response to this item is not a substitute for a complete response to Item 21 but should be consistent with the description of services in the response to Item 21. Please ask your service provider if you need assistance.

Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? ____%
2.	If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? ____%

c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
 If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140187		Applicant's Form Identifier: Wilson Y17																												
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048																												
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Entity Number: 140187	Applicant's Form Identifier: Wilson Y17
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

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PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections																																								
Recurring Charges	A.	Monthly charges (total amount per month for service)	\$6,192.50																																						
	B.	How much of the amount in A is ineligible?	\$0.00																																						
	C.	Eligible monthly pre-discount amount (A minus B)	\$6,192.50																																						
	D.	Number of months service provided in funding year	12																																						
	E.	Annual pre-discount amount for eligible recurring charges (C x D)	\$74,310.00																																						
Non-Recurring Charges	F.	Annual non-recurring charges	\$0.00																																						
	G.	How much of the amount in F is ineligible?	\$0.00																																						
	H.	Annual eligible pre-discount amount for non-recurring charges (F minus G)	\$0.00																																						
Total Charges	I.	Total funding year pre-discount amount (E + H)	\$74,310.00																																						
	J.	Discount from Block 4 Worksheet	90.00																																						
	K.	Funding Commitment Request (I x J)	\$66,879.00																																						
12 Form 470 Application Number 739150001162407																																									
13 SPIN – Service Provider Identification Number 143035519																																									
14 Service Provider Name Meet Point Networks LLC																																									
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15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:																																									
16a Billing Account Number (e.g., billed telephone number)																																									
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																																									
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 12/06/2013																																									
18 Contract Award Date (mm/dd/yyyy) 01/28/2014																																									
19 Service Start Date (mm/dd/yyyy) 07/01/2014																																									
20a Service End Date (mm/dd/yyyy)																																									
20b Contract Expiration Date (mm/dd/yyyy) 06/30/2019																																									
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.																																									
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1650451																																							

Entity Number: 140187	Applicant's Form Identifier: Wilson Y17
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

☐ Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

☐ Check this box if this request is for services or equipment that do **not** provide broadband or connectivity. For instance, check the box if this funding request is for internal connections, basic maintenance, or requests for services like e-mail or phone service.

a Which technology(ies) and speed(s) are being provided in this Funding Request? Please list the number of lines and average download speed for the lines included in this funding request. If there are multiple download speeds for the lines within one type of broadband connection, this form provides two additional lines per broadband connection category. If you need additional space, please make copies of this page and number the completed pages to assure that they are all processed correctly. A response to this item is not a substitute for a complete response to Item 21 but should be consistent with the description of services in the response to Item 21. Please ask your service provider if you need assistance.

Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Fiber optic/OC-x	1	100

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? <u>100</u> %
2.	If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? <u>95</u> %

c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
 If **no** above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140187		Applicant's Form Identifier: Wilson Y17																																							
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048																																							
Block 5: Discount Funding Request(s)		Block 5, page 4 of 4																																							
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2595979 (to be assigned by administrator)																																							
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																																									
11 Category of Service (only ONE category should be checked) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access </td> <td style="width: 50%; vertical-align: top;"> PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections </td> </tr> </table>		PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	23 Calculations <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Recurring Charges</td> <td style="width: 10%;">A.</td> <td>Monthly charges (total amount per month for service)</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>B.</td> <td>How much of the amount in A is ineligible?</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>C.</td> <td>Eligible monthly pre-discount amount (A minus B)</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>D.</td> <td>Number of months service provided in funding year</td> <td style="text-align: right;">12</td> </tr> <tr> <td>E.</td> <td>Annual pre-discount amount for eligible recurring charges (C x D)</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td rowspan="3" style="text-align: center; vertical-align: middle;">Non-Recurring Charges</td> <td>F.</td> <td>Annual non-recurring charges</td> <td style="text-align: right;">\$3,255.00</td> </tr> <tr> <td>G.</td> <td>How much of the amount in F is ineligible?</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>H.</td> <td>Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> <td style="text-align: right;">\$3,255.00</td> </tr> <tr> <td rowspan="3" style="text-align: center; vertical-align: middle;">Total Charges</td> <td>I.</td> <td>Total funding year pre-discount amount (E + H)</td> <td style="text-align: right;">\$3,255.00</td> </tr> <tr> <td>J.</td> <td>Discount from Block 4 Worksheet</td> <td style="text-align: right;">90.00</td> </tr> <tr> <td>K.</td> <td>Funding Commitment Request (I x J)</td> <td style="text-align: right;">\$2,929.50</td> </tr> </table>		Recurring Charges	A.	Monthly charges (total amount per month for service)	\$0.00	B.	How much of the amount in A is ineligible?	\$0.00	C.	Eligible monthly pre-discount amount (A minus B)	\$0.00	D.	Number of months service provided in funding year	12	E.	Annual pre-discount amount for eligible recurring charges (C x D)	\$0.00	Non-Recurring Charges	F.	Annual non-recurring charges	\$3,255.00	G.	How much of the amount in F is ineligible?	\$0.00	H.	Annual eligible pre-discount amount for non-recurring charges (F minus G)	\$3,255.00	Total Charges	I.	Total funding year pre-discount amount (E + H)	\$3,255.00	J.	Discount from Block 4 Worksheet	90.00	K.	Funding Commitment Request (I x J)	\$2,929.50
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13 SPIN – Service Provider Identification Number 143027725																																									
14 Service Provider Name Gabbart Enterprises LLC																																									
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Entity Number: 140187	Applicant's Form Identifier: Wilson Y17
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

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Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps

b

If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? ____%
2.	If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? ____%

c

For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140187	Applicant's Form Identifier: Wilson Y17
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

25 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

a ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

26 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	86853.6
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	78168.24
c Total applicant non-discount share (Subtract Item 26b from Item 26a.)	8685.36
d Total budgeted amount allocated to resources not eligible for E-rate support	29026
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 26c and 26d.)	37711.36
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 26e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 26e.	

27 ☐ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☒ I certify that no technology plan is required by Commission rules.

28 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

29 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

30 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

31 ☒ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140187		Applicant's Form Identifier: Wilson Y17	
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048	

Block 6: Certification and Signature (Continued)

32 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

33 ☒ I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

34 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

35 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

36 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

37 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

38 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

39 Signature of authorized person <input checked="" type="checkbox"/>	40 Date 03/17/2014
---	--------------------

41 Printed name of authorized person Chris Webber

42 Title or position of authorized person Consultant

☐ Check here if the consultant in Item 6g is the Authorized Person.

43a Street Address, P.O. Box, or Route Number
PO BOX 701713

City TULSA
State OK Zip Code 74170-1713

Entity Number: 140187		Applicant's Form Identifier: Wilson Y17	
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048	
43b	Telephone Number of authorized Person	(918) 445-0048	Ext.
43c	Fax Number of Authorized Person	(918) 004-0049	
43d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
43e	Name of Authorized Person's Employer	CRW Consulting	
<p>NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.</p> <p>If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p> <p>Please submit this form to: SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026</p> <p>For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to: SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100</p>			
FCC Form 471 - December 2013			

[Close Print Preview](#)[Previous](#)

Exhibit 4: Notification of Commitment Adjustment Letter

Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

May 20, 2016

Chris Webber or Karla Hall
WILSON INDEP SCHOOL DISTRICT 7
PO BOX 701713
TULSA, OK 74170 1713

Re: Form 471 Application Number:	955486
Funding Year:	2014
Applicant's Form Identifier:	Wilson Y17
Billed Entity Number:	140187
FCC Registration Number:	0012680534
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Service Provider Contact Person:	Beverley Fielding

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 955486**

Funding Request Number:	2595977
Services Ordered:	INTERNET ACCESS
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Contract Number:	N/A
Billing Account Number:	
Site Identifier:	140187
Original Funding Commitment:	\$66,879.00
Commitment Adjustment Amount:	\$66,879.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$0.00
Funds to be Recovered from Applicant:	\$0.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FY 2014 FRN 2595977 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that In evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell -at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 30 MBPS on FCC Form 470# 739150001162407 and the associated RFP. You received a bid from ATT offering these specific services at an amount of \$1,806.40 per month for 100 MBPS, a bid from Meetpoint offering these specific services at an amount of \$6,192.50 monthly for 100 MPBS, a bid from OneNet offering these specific services at an amount of \$2,300 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$6,192.50 monthly. The bid chosen is over three times more costly than the bid offering from OneNet and ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full.

Exhibit 5: 2015 FCDL



Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2015: 07/01/2015 - 06/30/2016)

April 21, 2016

Karla Hall or Chris Webber
WILSON INDEP SCHOOL DISTRICT 7
CRW Consulting
PO Box 701713
Tulsa, OK 74170

Re: FCC Form 471 Application Number: 1022840
Billed Entity Number (BEN): 140187
Billed Entity FCC Registration Number (FCC RN): 0012680534
Nickname: Wilson Y18

Thank you for your Funding Year 2015 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$16,624.22 is "Approved."
- The amount, \$66,879.00 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation and Children's Internet Protection Act and Technology Plan Certification Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 1022840 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2015," AND

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

- The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
 Schools and Libraries Division - Correspondence Unit
 30 Lanidex Plaza West
 PO Box 685
 Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.

Schools and Libraries Division
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: WILSON INDEP SCHOOL DISTRICT 7
BEN: 140187
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

ECC Form 471 Application Number: 1022840
Funding Request Number: 2775895
Funding Status: Funded
Service Type: Voice Services
ECC Form 470 Application Number: 642950001245137
SPIN: 143008823
Service Provider Name: SBC Long Distance, LLC.
Contract Number: MTM
Billing Account Number: N/A
Service Start Date: 07/01/2015
Service End Date: 06/30/2016
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$734.76
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$734.76
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: \$514.33 - FRN approved as submitted

FCDL Date: 04/21/2016
Wave Number: 046
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Chris Webber
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: WILSON INDEP SCHOOL DISTRICT 7
BEN: 140187
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1022840
Funding Request Number: 2775908
Funding Status: Funded
Service Type: Voice Services
FCC Form 470 Application Number: 642950001245137
SPIN: 143004662
Service Provider Name: Southwestern Bell Telephone Company
Contract Number: MTM
Billing Account Number: N/A
Service Start Date: 07/01/2015
Service End Date: 06/30/2016
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$2,761.56
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$2,761.56
Discount Percentage Approved by the USAC: 70%
Funding Commitment Decision: \$1,933.09 - FRN approved as submitted

FCDL Date: 04/21/2016
Wave Number: 046
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Chris Webber
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: WILSON INDEP SCHOOL DISTRICT 7
BEN: 140187
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1022840
Funding Request Number: 2775919
Funding Status: Not Funded
Service Type: Internet Access
FCC Form 470 Application Number: 739150001162407
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Contract Number:
Billing Account Number: N/A
Service Start Date: 07/01/2015
Service End Date: N/A
Contract Award Date: 01/28/2014
Contract Expiration Date: 08/15/2015
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 2
Annual Pre-discount Amount for Eligible Recurring Charges: \$12,385.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$74,310.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: MRI: The SED of the FRN was modified to 8/15/2015 to agree with the applicant documentation. <><><><><> DR1: Based on documentation provided, FRN 2775919 is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances." You posted requests for minimum 30 MBPS on FCC Form 470# 739150001162407 and the associated RFP. You received a bid from ATT offering these specific services at an amount of \$1,806.40 per month for 100 MBPS, a bid from Meetpoint offering these specific services at an amount of \$6,192.50 monthly for 100 MPBS, a bid from OneNet offering these specific services at an amount of \$2,300 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$6,192.50 monthly. The bid chosen is over three times more costly than the bid offering from OneNet and ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates bid your choice.

FCDL Date: 04/21/2016
Wave Number: 046
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Chris Webber
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: WILSON INDEP SCHOOL DISTRICT 7
BEN: 140187
Funding Year: 2015

Comment on RAL corrections:
The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 1022840
Funding Request Number: 2775962
Funding Status: Funded
Service Type: Internet Access
FCC Form 470 Application Number: 648700001277163
SPIN: 143015254
Service Provider Name: OneNet (Oklahoma State Regents)
Contract Number: MTM
Billing Account Number: N/A
Service Start Date: 08/16/2015
Service End Date: 06/30/2016
Contract Award Date: N/A
Contract Expiration Date: N/A
Shared Worksheet Number:
Number of Months Recurring Service Provided in Funding Year: 11
Annual Pre-discount Amount for Eligible Recurring Charges: \$15,752.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$15,752.00
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$14,176.80 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: MR1: The Service Start Date of the FRN was modified to 8/16/2015 to agree with the applicant documentation.

ECDL Date: 04/21/2016
Wave Number: 046
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Chris Webber
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

Exhibit 6: ADL's



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

August 05, 2016

Chris Webber
Wilson Indep School District 7
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: WILSON INDEP SCHOOL DISTRICT 7
Billed Entity Number: 140187
Form 471 Application Number: 955486
Funding Request Number(s): 2595977
Your Correspondence Dated: July 16, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2595977
Decision on Appeal: **Denied**
Explanation:

- After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FY 2014 FRN 2595977 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that In evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids

received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for minimum 30 MBPS on FCC Form 470# 739150001162407 and the associated RFP. You received a bid from ATT offering these specific services at an amount of \$1,806.40 per month for 100 MBPS, a bid from Meetpoint offering these specific services at an amount of \$6,192.50 monthly for 100 MPBS, a bid from OneNet offering these specific services at an amount of \$2,300 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$6,192.50 monthly. The bid chosen is over three times more costly than the bid offering from OneNet and ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

July 19, 2016

Karla Hall Or Chris Webber
CRW Consulting LLC
PO Box 701713
Tulsa, OK 74170

Re: Applicant Name: WILSON INDEP SCHOOL DISTRICT 7
Billed Entity Number: 140187
Form 471 Application Number: 1022840
Funding Request Number(s): 2775919
Your Correspondence Dated: June 19, 2016

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's funding commitment decision for the FCC Form 471 Application Number and funding requests number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2775919
Decision on Appeal: **Denied**
Explanation:

- USAC denied your funding request because it was determined that the costs of the products and services in your funding request was significantly higher than the costs generally available in your marketplace for the same or similar products or services. There is no evidence that the reason for the excessive costs is due to extenuating circumstances. You have not demonstrated on appeal that USAC's determination was incorrect. Consequently, USAC denies your appeal.
- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. See 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(ii)(B), 54.504(a)(1)(ix).

See also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. See 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. See Ysleta Order para. 54.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit 7: Bid Evaluations


BID EVALUATION SHEET – Short
Erate Year 2014

1. Service that is being evaluated: Internet Access
Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity
 2. Company that has submitted bid: AT&T
 3. Service level from the bid that is being evaluated: 100 mb
Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.
 4. Price that is being evaluated: 1,806.40 / mo
- POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE "N/A" IN ANY CATEGORY.
 - DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	40
SERVICE HISTORY	20	1
TOTAL POINTS	60	41

Bid Evaluated by (one person per sheet): Randy Witham

Date: 1/24/14

Signature: 

BID EVALUATION SHEET – Short**Erate Year 2014**

1. Service that is being evaluated: Internet Access
Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity
 2. Company that has submitted bid: OneNet
 3. Service level from the bid that is being evaluated: 100 mb
Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.
 4. Price that is being evaluated: 2,300/mo
- POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE “N/A” IN ANY CATEGORY.
 - DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	39
SERVICE HISTORY	20	0
TOTAL POINTS	60	39

Bid Evaluated by (one person per sheet):

Randy Witham

Date:

1/24/14

Signature:

Randy Witham

**BID EVALUATION SHEET – Short
Erate Year 2014**

1. Service that is being evaluated: Internet Access
Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity
 2. Company that has submitted bid: Meet Point
 3. Service level from the bid that is being evaluated: 100 mb
Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.
 4. Price that is being evaluated: 6,192.50/mo
- POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE "N/A" IN ANY CATEGORY.
 - DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	40	38
SERVICE HISTORY	20	20
TOTAL POINTS	60	58

Bid Evaluated by (one person per sheet): Randy L. Khan

Date: 1/24/14

Signature: Randy L. Khan